

The City of Galena Park

City Commission Meeting

Date: October 18, 2016

A regular meeting of the City Commission of the City of Galena Park was held at City Hall in the Council Chambers, Tuesday evening at 6:00 P.M. on October 18, 2016.

Present were:

Esmeralda Moya
Rodney Chersky
Oscar Silva, Jr.
Eric Broussard
Barry Ponder
Mayra Gonzales
Robert Collins

Mayor
Commissioner
Commissioner
Commissioner
Commissioner
City Secretary
City Attorney

- I. Mayor called meeting to order at 6:00 p.m.
- II. Mayor Moya led the invocation
- III. Pledge of Allegiance.
- IV. Consideration and possible approval of the minutes of the regular meeting on October 4, 2016. Commissioner Chersky moved to approve the minutes of the regular meeting on October 4, 2016. Commissioner Broussard, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye...5 Ayes...Motion Carried.
- V. Consideration and possible approval of the accounts payable through October 18, 2016. Commissioner Ponder moved to approve the accounts payable through October 18, 2016. Commissioner Chersky, 2nd. Commissioner Broussard stated he had a question about the attorney fees for \$14,775.00. Commissioner Broussard stated that nobody seems to want to question and see an itemized statement and he would like to see where this money is going. Commissioner Broussard stated that in the past meetings Mr. Ponder questioned Kwik Kopy bills and internet bills, but he does not seem to question the \$14,775.00 or the \$26,000.00. Commissioner Broussard stated the people need to know where the tax payers money is going. Commissioner Broussard asked Mayor Moya if she knew where the money was going. Mayor Moya stated that she did and the meeting is to question things, but he seems to only have a problem with the city attorney. Commissioner Ponder stated that it seems that has only come up since Mr. Collins came in. Commissioner Ponder stated that in the past two years he had not missed many council meetings and he had never know for the council to ask the city attorney to itemized. Commissioner Ponder stated that the previous city attorney was paid \$2,000.00, and there seems to be a letter going around that, that is all the city paid him. Commissioner Ponder stated the problem is that is not true, the city paid him \$2,000.00 plus they paid him if there were any arbitration hearings regardless if he did them or not. Commissioner Ponder stated that for example for Officer Bates, the city paid TML \$126,000.00 and paid Mr. Defoyd \$5,000.00 to sit in a chair, the city also paid him to collect delinquent taxes. Commissioner Ponder stated the key thing is that the city paid \$126,457.12 to Olson and Olson, because Mr.

Defoyd could not handle the job. Commissioner Ponder stated that if you add everything up it comes out to \$179,118.04, if you only do 10 hours a week, they were paying Mr. Defoyd \$5,597.44 per hour and all he can say to that is that they need to give Mr. Collins a raise. Commissioner Silva stated that he was not answering the question. Commissioner Ponder stated that at no time did the council ask for an itemized statement from Olson and Olson or any attorney. Commissioner Silva asked if it was the old council or the new council. Commissioner Ponder stated both, last time they paid an invoice to Olson and Olson it was over \$5,000.00 and nobody there asked to see an itemized invoice. Mayor Moya stated to Commissioner Broussard that he had the same information and they discussed what the city attorney was getting paid with the former commission and he was against that and he had the numbers in his hand. Commissioner Broussard stated that they voted to hire Mr. Collins, but neither one of them other than the Mayor voted on his salary. Commissioner Broussard stated that the Mayor choose to pay him a salary of \$375.00 per hour. Commissioner Broussard stated that they paid Mr. Hightower \$350.00 per hour to help them out in their transition. Commissioner Broussard stated that when they hired Mr. Collins they also hired a company to collect taxes, last administration they paid Mr. Defoyd \$2000.00, but he was the prosecutor, the attorney, and tax collector; they are paying a lot more money this administration then they were last time. Commissioner Broussard stated that the reason he is against paying the attorney that supposedly works for all of them an hourly fee, is because he is afraid the Mr. Collins is going to bill him \$375.00 for asking a question. Commissioner Broussard asked Mayor Moya if Mr. Collins worked for him too. Mayor Moya asked Commissioner Broussard to calm down. Chief Mata asked Commissioner Broussard to keep it down. Commissioner Broussard stated that was the first time that he has ever got animated at the meeting, he stated he always gets a defense from the Mayor and the last time he asked a question about the attorney she almost yanked her microphone out of the pedestal and he was not going to take that disrespect anymore. Mayor Moya stated that Mr. Collins went out with Commissioner Broussard to survey the land and he did not charge him anything. Commissioner Broussard stated that he did not ask him to go and he did not need his advice on that. Commissioner Broussard stated that he got accused of having secret meetings with the attorney and the only time he met with him was when he called Ms. Gonzales to ask about the \$26,000.00 and she called him back and stated that if he wanted to that Mr. Collins would have a cup of coffee with him before the meeting and he would explain it to him; and that was when he found out that he was getting paid \$375.00 an hour and that the \$26,000.00 was some kind of secret deal. Mayor Moya stated that when Commissioner Broussard was running he stated that he wanted a forensic audit. Commissioner Broussard asked when did he say that. Mayor Moya stated that she will pull the minutes and bring them to the next meeting, Commissioner Broussard was part of a committee. The audience began to shout out comments. Chief Mata asked if he could have a moment to speak. Chief Mata stated that he had to remind everyone that the following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor under his or her own action, or upon a motion to enforce by any council member. Warning, the Mayor may order any person, council member, staff, or audience member in violation of these rules to be silent. Removal, if after receiving a warning from the Mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor may order the person to leave the meeting. If the person does not leave the room, the Mayor may order the sergeant at arms, himself or

an officer, to remove the person. Rules and procedures upon instruction of the Mayor, it shall be the duty of the sergeant at arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code) Resisting removal, any person who resists removal by the sergeant at arms may be charged with violating section 42.05 of the Texas Penal Code. Section 42.05, disrupting meeting or procession; a person commits an offense if, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance. An offense under this section is a class b misdemeanor. That is not the rules of the council, the Mayor, or the city attorney, this is a state law. Maricela Serna, a citizen, stated that the Second Amendment of the constitution states that they have a right to speak. Chief Mata stated to Ms. Serna that he understands that, but at one time she was on council and she knows the rules. Ms. Serna stated that they allowed everyone to speak. A citizen asked that if when the council is finished if they could talk. Chief Mata stated that when the council meeting is adjourned they do give you an opportunity to be heard, and they have to continue the meeting. Mr. Robert Clowers, a citizen, stated that every city in Harris County allows the citizens to address the commission, all they have to do is pass an ordinance on how the citizen addresses them. Mr. Clowers stated that when she stopped comments from the audience and stopped allowing questions, is what caused all this chaos. Chief Mata stated that they have addressed the concern and they must continue with the meeting. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Nay, Mayor Moya... Aye, Commissioner Broussard...Nay, Commissioner Ponder...Aye...3 Ayes...2 Nays...Motion Carried.

- VI. Consideration and possible approval of Resolution R12-2016- Resolution amending the 2015-2016 budget. Commissioner Chersky moved to approve Resolution R12-2016- Resolution amending the 2015-2016 budget. Commissioner Broussard, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.
- VII. Consideration and possible approval of the quarterly investment report ending September 30, 2016. Commissioner Chersky moved to approve the quarterly investment report ending September 30, 2016. Commissioner Broussard, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.
- VIII. Consideration and possible approval of the water supply contract between the City of Galena Park and the City of Houston. Commissioner Chersky moved to approve the water supply contract between the City of Galena Park and the City of Houston. Commissioner Ponder, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner

Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.

- IX. Opening and consideration of sealed bids for the City of Galena Park Municipal Solid Waste Collection and Transportation Services. Commissioner Ponder moved to open and consider the sealed bids for the City of Galena Park Municipal Solid Waste Collection and Transportation Services. Commissioner Broussard, 2nd. Ms. Gonzales, City Secretary, read the bid as follows: Waste Management, 3year contract for \$21.25 per home. Ms. Gonzales stated it was the only bid received. Commissioner Broussard asked what they were charging before. Ms. Gonzales stated about \$13.00 per home. Commissioner Broussard asked if it included heavy trash and everything included. Commissioner Ponder stated that he wanted to make sure it included heavy trash pick-up, because it has not been done. Ms. Gonzales stated that heavy trash pick-up was included in the RFP and could be negotiated by Mr. Collins. Commissioner Broussard asked how they will pick up heavy trash. Ms. Gonzales stated that would be negotiated by Mr. Collins. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.
- X. Consideration and possible approval of the part time employments of Michael Bodak-Firefighter/Paramedic, Tera Creque- Firefighter/EMT, Dalton Buxton-Firefighter/Paramedic, TY Harris- Firefighter/EMT- Fire Department. Commissioner Chersky moved to approve the part time employments of Michael Bodak- Firefighter/Paramedic, Tera Creque-Firefighter/EMT, Dalton Buxton-Firefighter/Paramedic, TY Harris- Firefighter/EMT- Fire Department. Commissioner Ponder, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.
- XI. Consideration and possible approval of the full time employment of Jacob Dominy-Firefighter/EMT and Thomas Ehlers-Firefighter/Paramedic. Commissioner Chersky moved to approve the full time employment of Jacob Dominy- Firefighter/EMT and Thomas Ehlers-Firefighter/Paramedic. Commissioner Ponder, 2nd. Commissioner Broussard asked who does the interviewing with these employees. Mayor Moya stated that the Chief and the Mayor, she stated that she brings the names he gives her to the table. Mayor Moya stated that the department heads do the hiring and firing, Commissioners do not. Mayor Moya stated the Commissioners responsibility is to do the budget and make sure their departments flow correctly, it is in the charter. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.
- XII. Consideration and possible approval of the part time employment of Giovanna Duran-Parks and Recreation Department. Commissioner Chersky moved to approve the part time employment of Giovanna Duran-Parks and Recreation Department. Commissioner Ponder, 2nd. Commissioner Broussard asked who was the department head that interviewed Ms. Duran. Mayor Moya stated that the person in charge is the assistant Wendy Palacios and she interviewed Ms. Duran. Mayor Moya called for the vote:

Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye,
Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.

- XIII. Consideration and possible approval of Entrust Risk Management, LLC. as the agent of record for the City of Galena Park. Commissioner Chersky moved to approve Entrust Risk Management, LLC. as the agent of record for the City of Galena Park. Commissioner Ponder, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.

- XIV. Executive Session: Pursuant to the open meetings act, Chapter 551, Texas Government Code, Section 551.074, the city commission will meet in closed executive session to conduct a hearing of personnel matters related to termination of Ernesto Paredes and Raymond Gallatin. Commissioner Ponder moved to go into executive session. Commissioner Chersky, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.

- XV. City Commission will reconvene into open session after no action has been taken in closed session. Mayor Moya stated it was 6:45 p.m. and the commission will reconvene into open session. Commissioner Ponder made a motion to reconvene into open session. Commissioner Chersky, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Aye, Mayor Moya... Aye, Commissioner Broussard ... Aye, Commissioner Ponder...Aye... 5 Ayes...Motion Carried.

- XVI. Consideration and possible approval of the termination of Ernesto Paredes-Ground Maintenance, Raymond Gallatin- Firefighter/Paramedic, Lajuna Hunt-Permit Clerk, Kirk Garza-Meter Reader, Emmanuel Sanchez- Ground Maintenance, and Mark Broussard- Parks and Recreation. Commissioner Ponder moved to approve the termination of Ernesto Paredes-Ground Maintenance, Raymond Gallatin- Firefighter/Paramedic, Lajuna Hunt-Permit Clerk, Kirk Garza-Meter Reader, Emmanuel Sanchez- Ground Maintenance, and Mark Broussard- Parks and Recreation. Commissioner Chersky, 2nd. Mayor Moya called for the vote: Commissioner Chersky...Aye, Commissioner Silva...Nay, Mayor Moya...Aye, Commissioner Broussard...Nay, Commissioner Ponder...Aye...3 Ayes...2 Nays...Motion Carried.

Commissioner Ponder made a motion to adjourn the meeting. Commissioner Chersky, 2nd ... Mayor Moya called for the vote: Commissioner Chersky....Aye, Commissioner Silva... Aye, Mayor Moya...Aye, Commissioner Broussard...Aye, Commissioner Ponder...Aye...Vote: 5 Ayes... Motion Carried.

Meeting Adjourn at 6:45 p.m.


Mayra Gonzales
City Secretary


APPROVED